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In re Application of
KRESSNER et al.
Application No.: 10/577,203
PCT No.: PCT/EP04/12000
Int. Filing Date: 23 October 2004
Priority Date: 29 October 2003
Attorney Docket No.: 02894-754US1 06798
For: ELECTRIC DRIVE UNIT FOR
GENERATING AN OSCILLATING
DISPLACEMENT

DECISION ON
DECLARATION

This decision is on the submission of a declaration under PCT Rule 4.17, filed in the United States Patent and Trademark Office on 09 April 2007 in the above referenced application..

BACKGROUND

On 23 October 2004, applicant filed international application PCT/EP04/12000, claiming a priority date of 29 October 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 May 2005. The deadline for entry into the national stage in the United States was 29 April 2006.

On 27 April 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 09 February 2007, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 09 April 2007, applicant submitted a declaration under PCT Rule 4.17 in the German language executed by the inventors.

DISCUSSION

The declaration submitted on 09 April 2007, in response to the Notification of Missing Requirements, was filed under PCT Rule 4.17 and signed by the inventors. However, the declaration does not identify the international application to which it is directed and thus, does not comply with 37 CFR 1.497(a) and (b). See also PCT Administrative Instruction 214, which states that the declaration must be directed to the PCT application if the declaration is furnished pursuant to PCT Rule 26ter.2. It is evident that the declaration was not filed with the Request form and international application but filed thereafter, since the Request was filed on 23 October 2004 and the declaration was executed on 1 December 2004. The declaration does not meet the requirements of PCT Rule 26ter.2 or the requirements of 37 CFR 1.497(a) and (b). See MPEP 1893.01(e). The declaration submitted on 09 April 2007 is unacceptable.

A newly executed declaration is required. Applicant is reminded that whenever an individual making an oath or declaration cannot understand English, the oath or declaration must be in a language that such individual can understand and shall state that such individual understands the content of document. See 37 CFR 1.69.

CONCLUSION

Applicant is required to file a newly executed declaration, in compliance with 37 CFR 1.63 and 1.497(a) and (b) within the time limit of one month from the date of this letter or within the time remaining in the response period of the Notification of Missing Requirements, whichever is longer. NO EXTENSION OF THIS TIME MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b) BUT THE PERIOD FOR RESPONSE SET IN THE NOTIFICATION OF MISSING REQUIREMENTS MAY BE EXTENDED UP TO A MAXIMUM OF FIVE MONTHS.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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